

REMARKS

Claims 22-30 and 32-42 are pending in the application. Claims 22 and 29 are independent. Applicants thank the Examiner for withdrawal of the objections to the drawings and specification and the rejections of the claims under 35 U.S.C. § 112, second paragraph.

The Present Invention

The present invention, as represented by independent claim 22, relates to a method for controlling heating processes in a coffee machine, which is suitable for preparing coffee on the basis of coffee pads. An exemplary embodiment of the method may apply to a coffee machine that includes a continuous flow heater having an adjustable heating power and a pump for conveying water through the continuous flow heater. The method may include measuring a temperature in the area of the continuous flow heater and/or the water conveyed by the pump; and influencing the amount of water conveyed by the pump depending on the temperature. By supplying the amount of water conveyed by the pump in a metered manner depending on the temperature, any uncontrolled evolution of steam, particularly as a result of local temperature differences, and the high dependence of the coffee outlet temperature on ambient conditions can be eliminated.

The Rejections under 35 U.S.C. § 102(b)

The Rejections under 35 U.S.C. § 102(b) based on Liverani

Claims 22-30 and 34-42 stand rejected under 35 U.S.C. § 102(b) as anticipated by Liverani (U.S. Pat. No. 5,738,001). Applicants respectfully traverse these rejections.

Independent claim 22 recites a method for controlling heating processes in a coffee machine, comprising the acts of, *inter alia*, measuring a first temperature in at least one of the area of the continuous flow heater and the water conveyed by the pump; and influencing the amount of water conveyed by the pump in response to the first temperature.

With respect to these features, the Response to Arguments cites column 4, lines 47-55 of Liverani which states that the control system 14A allows various function modes for the machine. Col. 4 further provides of these modes, at least 4 depend on the detection of the coffee machine function parameters (such as the flow of water in duct 2 controlled by means of the water delivery counter 12 and the water temperature measured at the exit of the heat exchanger and that may oscillate around the reference temperature as controlled by means of sensor 13. Applicants respectfully submit that as disclosed further in column 4, none of the modes of Liverani disclose influencing *the amount of water conveyed by the pump in response to the first temperature* as recited in the claim. Assuming *arguendo*, col. 4, line 60 – col. 5, line 154 teach as perhaps the only relative mode: “iii) an input of the water temperature as detected by the temperature sensor in order to achieve control of the pump delivery according to prior art.” In the prior art, as taught at col. 1, lines 19-25 of Liverani, the device operates counter to the claimed invention. That is, rather than controlling the amount of water conveyed by a pump in a metered manner as claimed in the present invention, which, as taught above, prevents an uncontrolled evolution of steam, the Liverani device measures and controls the temperature of the water using the electric resistor *based on the amount of water used.*

These are entirely different concepts. As such, Liverani in no way teaches or suggests a method including influencing the amount of water conveyed by the pump in response to the first measured temperature, as recited in claim 22.

Claims 23-28 depend from independent claim 22. Therefore, Liverani does not anticipate claims 23-28 for at least the reasons given above with respect to claim 22.

Independent claim 29, rejected under 35 U.S.C. § 102(b) as anticipated by Liverani, recites an apparatus embodying the elements of independent claim 22. Therefore, Liverani does not anticipate claim 29 for at least the reasons given above with respect to claim 22. Claims 30 and 34-42 depend from independent claim 29. Therefore, Liverani does not anticipate claims 30 and 34-42 for at least the reasons given above with respect to claim 29.

The Rejections under 35 U.S.C. § 103(a)

Claims 32 and 33 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Liverani in view of Harrison (U.S. Patent No. 5,417,152). Applicants respectfully traverse the rejections. As discussed *supra*, independent claim 29, from which claims 32 and 33 depend, is neither anticipated nor taught by Liverani. The addition of Harrison does not overcome the failure of Liverani to disclose the features of these claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 32 and 33 under 35 U.S.C. § 103(a) as unpatentable over Liverani in view of Harrison.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 22-30 and 32-42 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

/Andre Pallapies/

Andre Pallapies

Registration No. 62,246

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BSH Home Appliances Corporation
100 Bosch Blvd.
New Bern, NC 28562
Phone: 252-672-7927
Fax: 714-845-2807
andre.pallapies@bshg.com